

# EXHIBIT A

3/3/2025

Richard Kadrey, et al. v. Meta Platforms, Inc.  
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STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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RICHARD KADREY, ET AL., )  
Individual and Representative )  
Plaintiffs, ) Lead Case No.  
v. ) 3:23-cv-03417-VC  
META PLATFORMS, INC., )  
Defendant. )  
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\* \* \* HIGHLY CONFIDENTIAL \* \* \*  
\* \* \* ATTORNEYS' EYES ONLY \* \* \*  
VIDEO-RECORDED 30(b)(6) DEPOSITION OF  
MICHAEL CLARK (torrenting)  
MONDAY, MARCH 3, 2025  
DENVER, COLORADO  
10:20 A.M. MST

REPORTED BY KATHY L. DAVIS, CRR, RMR

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DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646

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|----|---|--|----------|
| 1  | A | Not that I am aware of.                              | 11:39:44 |
| 2  | Q | When did Meta's torrenting of Anna's                 | 11:39:47 |
| 3  |   | Archive end?   | 11:39:49 |
| 4  | A | In conversations with Xiaolan, it was                | 11:39:54 |
| 5  |   | somewhere between April and June of 2024. And as far | 11:40:01 |
| 6  |   | as I know, those completed in June of 2024.          | 11:40:07 |
| 7  | Q | So Meta began torrenting in April and                | 11:40:12 |
| 8  |   | completed its torrenting in June?                    | 11:40:16 |
| 9  | A | For the work that Xiaolan was doing, yes.            | 11:40:20 |
| 10 | Q | So it was two months of torrenting --                | 11:40:27 |
| 11 |   | MR. WEINSTEIN: Object. Object to form.               | 11:40:30 |
| 12 | Q | (BY MS. POUEYMIROU) -- or thereabouts?               | 11:40:32 |
| 13 | A | It was -- the job would be started and               | 11:40:34 |
| 14 |   | then other pieces, so two months.                    | 11:40:39 |
| 15 | Q | How many computers?                                  | 11:40:41 |
| 16 | A | There were -- I'd have to refresh my                 | 11:40:49 |
| 17 |   | conversation with Xiaolan. If I'm remembering        | 11:40:53 |
| 18 |   | correct, it was six VPCs that were configured, but I | 11:40:57 |
| 19 |   | believe that is also reflected in the expert report  | 11:41:03 |
| 20 |   | that I can go look at as well.                       | 11:41:06 |
| 21 | Q | So six computers running in parallel were            | 11:41:16 |
| 22 |   | torrenting data from Anna's Archive?                 | 11:41:21 |
| 23 | A | Six machines were configured in order to             | 11:41:27 |
| 24 |   | be able to tur -- to torrent. They were not always   | 11:41:29 |
| 25 |   | running in parallel.                                 | 11:41:32 |

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|----|---|--|----------|
| 1  | Q | Okay. So it seems --                                 | 11:41:33 |
| 2  | A | That --  | 11:41:35 |
| 3  | Q | Would it be fair to say that if you                  | 11:41:36 |
| 4  |   | wanted to understand Meta's torrenting from April to | 11:41:38 |
| 5  |   | June --  | 11:41:43 |
| 6  | A | Yes.   | 11:41:45 |
| 7  | Q | -- of works encompassed by Anna's                    | 11:41:45 |
| 8  |   | Archive, Xiaolan Wang would be the person you would  | 11:41:48 |
| 9  |   | want to speak with?                                  | 11:41:54 |
| 10 |   | MR. WEINSTEIN: Object to form.                       | 11:41:55 |
| 11 | A | That is correct.                                     | 11:41:55 |
| 12 | Q | (BY MS. POUEYMIROU) Was she the head of              | 11:41:56 |
| 13 |   | that project?  | 11:41:57 |
| 14 |   | MR. WEINSTEIN: Object to form.                       | 11:42:00 |
| 15 | A | She was the engineer that did the actual             | 11:42:01 |
| 16 |   | downloading. I don't know what you mean by "the head | 11:42:08 |
| 17 |   | of that project."                                    | 11:42:09 |
| 18 | Q | (BY MS. POUEYMIROU) Were other employees             | 11:42:10 |
| 19 |   | at Meta torrenting work from Anna's Archive or was   | 11:42:12 |
| 20 |   | this Xiaolan's project that she oversaw singularly?  | 11:42:15 |
| 21 | A | That was Xiaolan's project that she was              | 11:42:20 |
| 22 |   | working on.  | 11:42:23 |
| 23 | Q | Who approved the use of torrenting for               | 11:42:26 |
| 24 |   | Anna's Archive?                                      | 11:42:29 |
| 25 |   | MR. WEINSTEIN: Object to form.                       | 11:42:30 |

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1 A There is no approval or disapproval that 11:42:35

2 I am aware of for torrenting. 11:42:38

3 Q (BY MS. POUEYMIROU) Would you call the 11:42:48

4 creation of the 60-second script that Bashlykov made 11:42:49

5 a copyright mitigation? 11:42:54

6 MR. WEINSTEIN: Object to form. Outside 11:42:56

7 the scope of this part of the deposition. 11:42:58

8 MS. POUEYMIROU: Fair. 11:43:05

9 A It was not -- and then we'll talk about 11:43:08

10 this in the other section. But it was not a specific 11:43:11

11 mitigation that had been applied -- 11:43:14

12 Q (BY MS. POUEYMIROU) Okay. 11:43:18

13 A -- or that had been designated. 11:43:18

14 Q Okay. So I wanted to actually go back in 11:43:22

15 time to September/October of 2022 to a man called Gui 11:43:27

16 in our previous deposition. Who was that; do you 11:43:36

17 recall? 11:43:39

18 A Guillaume? 11:43:42

19 Q And Guillaume was the first Meta 11:43:43

20 employee, as far as we know, who copied data from 11:43:46

21 LibGen; is that correct? 11:43:51

22 A It was understood that Guillaume had done 11:43:55

23 work with LibGen, but we have not been able to track 11:43:59

24 down any evidence of what had been downloaded or been 11:44:06

25 able to find that -- any more details. 11:44:10

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|----|---|---|----------|
| 1  | Q | Did you speak to him?                                 | 11:44:14 |
| 2  | A | I did not.  | 11:44:15 |
| 3  | Q | So what did you do to try to figure out               | 11:44:16 |
| 4  |   | whether that LibGen also was obtained through         | 11:44:21 |
| 5  |   | torrenting?   | 11:44:26 |
| 6  | A | We had -- this is in preparation for                  | 11:44:34 |
| 7  |   | prior depositions -- had spoken to Nicolay, who had   | 11:44:39 |
| 8  |   | tried to get details from Guillaume, had spoken to    | 11:44:46 |
| 9  |   | Melanie Kambadur, and had spoken to other individuals | 11:44:50 |
| 10 |   | that had tried to get information or find any details | 11:44:58 |
| 11 |   | about or find the actual download, and nobody was     | 11:45:04 |
| 12 |   | able to.  | 11:45:08 |
| 13 | Q | Why is that?  | 11:45:13 |
| 14 |   | MR. WEINSTEIN: Object to form. Calls                  | 11:45:14 |
| 15 |   | for speculation.                                      | 11:45:15 |
| 16 | A | I -- I wouldn't know.                                 | 11:45:16 |
| 17 | Q | (BY MS. POUEYMIROU) When data is                      | 11:45:19 |
| 18 |   | typically downloaded was it stored on Meta's servers  | 11:45:20 |
| 19 |   | or on AWS?  | 11:45:27 |
| 20 | A | As nobody was able to find evidence of                | 11:45:31 |
| 21 |   | him doing it or a copy of it, wouldn't know whether   | 11:45:33 |
| 22 |   | it -- where it had occurred.                          | 11:45:39 |
| 23 | Q | Do you -- do you recall that                          | 11:45:42 |
| 24 |   | Ms. Frederiksen-Cross noted in her conversation with  | 11:45:43 |
| 25 |   | Mr. Bashlykov that he thought it was possible that    | 11:45:46 |

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|----|---|----------|
| 1  | MR. WEINSTEIN: Object to form.                        | 12:02:14 |
| 2  | A The factual statement was AWS not                   | 12:02:15 |
| 3  | allowing torrenting, and AWS does not block           | 12:02:17 |
| 4  | torrenting was what I was representing. I didn't      | 12:02:22 |
| 5  | make any statement otherwise.                         | 12:02:26 |
| 6  | Q (BY MS. POUEYMIROU) It's possible to                | 12:02:27 |
| 7  | torrent data that is not pirated, correct?            | 12:02:28 |
| 8  | MR. WEINSTEIN: Object to form.                        | 12:02:33 |
| 9  | A Torrenting is used for a broad use of               | 12:02:36 |
| 10 | applications from downloading large patches or        | 12:02:39 |
| 11 | operating systems to sharing other kinds of files.    | 12:02:45 |
| 12 | Q (BY MS. POUEYMIROU) And was there any               | 12:02:49 |
| 13 | policy at Meta about torrenting data, as you've just  | 12:02:52 |
| 14 | described, versus torrenting data known to come from  | 12:02:57 |
| 15 | pirated online databases?                             | 12:03:01 |
| 16 | MR. WEINSTEIN: Object to form.                        | 12:03:04 |
| 17 | A To be specific, I am not aware of any               | 12:03:06 |
| 18 | policy that Meta has around torrenting.               | 12:03:09 |
| 19 | Q (BY MS. POUEYMIROU) Okay.                           | 12:03:11 |
| 20 | MS. POUEYMIROU: Can we pull out --                    | 12:03:14 |
| 21 | Q (BY MS. POUEYMIROU) And to be clear,                | 12:03:17 |
| 22 | when I asked you about conversations about torrenting | 12:03:18 |
| 23 | and you spoke about counsel, that was in-house        | 12:03:21 |
| 24 | counsel; is that correct?                             | 12:03:24 |
| 25 | A That was correct.                                   | 12:03:25 |

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1 STATE OF COLORADO )  
2 ) ss. REPORTER'S CERTIFICATE  
3 COUNTY OF DENVER )

4 I, Kathy L. Davis, do hereby certify that I am a  
5 Registered Professional Reporter within the State of  
6 Colorado; that previous to the commencement of the  
7 examination, the deponent was duly sworn to testify  
8 to the truth.

9 I further certify that this deposition was taken  
10 in shorthand by me at the time and place herein set  
11 forth, that it was thereafter reduced to typewritten  
12 form, and that the foregoing constitutes a true and  
13 correct transcript.

14 I further certify that I am not related to,  
15 employed by, nor of counsel for any of the parties or  
16 attorneys herein, nor otherwise interested in the  
17 result of the within action.

18 In witness whereof, I have affixed my signature  
19 this 4th day of March, 2025.

20


21

22

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**Kathy L. Davis**  
**Certified Realtime Reporter**